

REMARKS

Claims 1-32 are pending in this application. All have been rejected. Claims 1, 14-16, and 25-26 were rejected under 35 USC 103(a) in view of the patents to Kesel and Olson. Claims 2-7, 12-13, 18-24, and 27-28 were rejected under 35 USC 103(a) in view of Kesel and Olson and the patent to Kriens. The Office rejected claims 8-9 and 29-32 under 35 USC 103(a) in view of Kesel, Olson, and Kriens and the patent to Trout. Claims 10 and 11 were rejected under 35 USC 103(a) in view of Kesel, Olson, and Kriens, and the patent to Bossemeyer. Claim 17 was rejected under 35 USC 103(a) in view of Kesel and Olson and the patent to Chase.

The Kesel and Olson References

The Office has conceded that Kesel does not show “an automated system” that is capable of “analyzing words in customer feedback” and “generating an indication to rate” that feedback “without requiring intervention by a human user,” as claimed by Applicant. The Office has added, however, that the interactive training system described by Olson, when combined with the teachings of Kesel, would have made Applicant’s automated system for analyzing words in customer feedback obvious. Applicant disagrees.

Applicant has amended the claims to specify that the “customer feedback” being analyzed is received “in the form of textual comments that originate with a human customer.” These comments are not generated by a computer, but rather they originate with the customer who is providing the comments, such as in the form of commentary written by the customer or of text transcribed from oral comments made by the customer.

The system described by Olson, while automated in its interaction with the user trainee, is radically different in nature than Applicant’s system. The thing being analyzed by Olson’s system is not any sort of information originating with the human user, but rather is a set of prepared “questions” generated by the computer and selected by the user when interacting with the computer. In other words, Olson’s system is not analyzing words that a human customer generates, but instead is analyzing the choices the human makes when interacting with the computer. Olson makes this clear in paragraphs [0085] and [0086]:

The interview script . . . consists of all available questions and responses. . . .
When an interview is initiated, a large number of the questions are made available to the student. . . . As certain information comes to light, some questions may no longer make sense or the available responses may not make any sense. These questions will be removed. After any question is asked, it and similar questions are removed from the question list. [0085]

For each question, there is a list of key words, a question code, a rapport value, and a diagnostic value that is incorporated as part of question scripting
[0086]

Because Olson's system is so drastically different than those of Kesel and Applicant, Olson would provide no guidance to a person of ordinary skill in the art trying to automate the system of Kesel. Applicant finds no teaching in Olson to suggest that Kesel's system even could be automated. The problems faced in trying to automate Kesel's system (*e.g.*, automated analysis and rating of words originating with a human customer) simply are not addressed in Olson. The result is that Olson and Ketel, even when combined, do not show the elements of Applicant's claims.

The Other References Combined With Kesel and Olson

None of the other references cited by the Office – Kriens, Trout, Bossemeyer, and Chase – overcomes the shortcomings of Kesel and Olson discussed above. Accordingly, the dependent claims against which these references are applied are patentable for at least the same reasons.

CONCLUSION

The claims all are allowable over the art of record. Applicant asks the Office therefore to allow all of the claims. Please charge any fees that might be due, excluding the issue fee, to deposit account 14-0225.

Date: 11/10/05

Respectfully,

A handwritten signature in black ink, appearing to read "John D. Cowart", written over a horizontal line.

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